

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATIONAL COALITION ON BLACK  
CIVIC PARTICIPATION, MARY WINTER,  
GENE STEINBERG, NANCY HART,  
SARAH WOLFF, KAREN SLAVEN,  
KATE KENNEDY, EDA DANIEL,  
and ANDREA SFERES,

-and-

People of the STATE OF NEW YORK,  
by its attorney general, LETITIA JAMES,  
ATTORNEY GENERAL OF THE  
STATE OF NEW YORK

Plaintiffs,

v.

JACOB WOHL, JACK BURKMAN,  
J.M. BURKMAN & ASSOCIATES, LLC,  
PROJECT 1599, and JOHN and  
JANE DOES 1-10,

Defendants.

Civil Action No.: 20-cv-8668(VM)(OTW)

**PLAINTIFF-INTERVENOR REQUEST FOR ADMISSIONS**

**PLEASE TAKE NOTICE** that, pursuant to Rule 36 of the Federal Rules of Civil Procedure ("FRCP 36"), Plaintiff-Intervenor People of the State of New York by its Attorney General Letitia James (OAG) hereby requests that Defendants admit the truth of the matters set forth in this Request for Admissions (the "Request").

The following definitions and instructions shall apply to each and every part of this Request as if fully set forth therein:

### **DEFINITIONS**

1. The terms “robocall” and “robocalls” means the alleged phone calls referred to in Paragraph 20 of Plaintiff-Intervenor’s Complaint in Intervention, ECF No. 102.
2. The term “Defendants” means Jacob Wohl, Jack Burkman, Project 1599, and J.M. Burkman & Associates.
3. “Message Communications” refers to the California based voice broadcasting company that broadcasted the robocall.
4. “Robert Mahanian” refers to the owner of Message Communications.
5. Defendants are referred to Rule 26.3 of the Joint Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Local Rules"), entitled "Uniform Definitions 111 Discovery Requests," which is hereby incorporated in this document as if fully set forth herein.

### **INSTRUCTIONS**

1. In the event that a Request is denied, the denial shall fairly meet the substance of the Request, in accordance with FRCP 36.
2. Pursuant to FRCP 36, Defendants may not give lack of information or knowledge as a reason for failure to admit or deny unless reasonable inquiry has been made.
3. In the event that an objection is lodged to any Request, the specific reason for the objection is to be stated, in accordance with FRCP 36, and the Request shall be admitted or denied subject to the objection to the extent possible.
4. To the extent Defendants object to any Request by reason of a claim of privilege or work product, Defendants shall furnish a list setting forth as to each objection the information called for in Local Rule 26.2.

5. Pursuant to Federal Rule of Civil Procedure 26(e), Defendants must supplement or correct their responses to the following Requests in a timely manner if Defendants become aware that any Request set forth herein should have been, but was not, admitted in whole or part.

**REQUESTS FOR ADMISSION**

1. On August 26, 2020, the robocall was sent to over 85,000 phone numbers.
2. Burkman and Wohl caused the robocall to be sent.
3. Burkman and Wohl prepared the contents of the robocall.
4. Burkman Wohl advertised on Craigslist seeking a “black female voice over” to record the robocall.
5. On August 24, 2020, Jana Hunt offered her voice acting services to record the robocall.
6. On August 24, 2020, using the email account [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com), Wohl hired Jana Hunt to record the robocall.
7. On August 24, 2020, using the email account [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com), Burkman hired Jana Hunt to record the robocall.
8. On August 24, 2020, Wohl and Burkman used the email address [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com) to hire Jana Hunt to voice the robocall.
9. Burkman contributed to the draft of the robocall script.
10. Wohl contributed to the draft of the robocall script,
11. On August 24, 2020, Burkman sent Jana Hunt the robocall script.
12. On August 24, 2020, Wohl sent Jana Hunt the robocall script.
13. In August 2020, Jacob Wohl used the email account [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com).
14. In August 2020, Jack Burkman used the email account [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com).
15. In August 2020, Jack Burkman and Jacob Wohl worked together to control the email account [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com).

16. On August 24, 2020, Burkman received the audio recording of the robocall from Jana Hunt.
17. On August 24, 2020, Wohl received the audio recording of the robocall from Jana Hunt.  
On August 24, 2020, Burkman paid Jana hunt \$250 to record the robocall.
18. On August 24, 2020, Wohl paid Jana hunt \$250 to record the robocall.
19. In a check dated August 25, 2020, J.M. Burkman & Associates reimbursed the costs of paying Jana Hunt to record the robocall.
20. On August 19, 2020, Jack Burkman told Robert Mahanian that he wanted to buy more robocalls.
21. Burkman sent Message Communications a \$1,000 check from the bank account of J.M. Burkman & Associates to pay for the robocall.
22. In August 2020, Burkman sent a \$1,000 check from the J.M. Burkman & Associates bank account to Message Communications as payment for the robocall.
23. In August 2020, Message Communications sent an invoice to J.M. Burkman & Associates for the robocall.
24. On August 25, 2020, Wohl emailed Burkman: “Attached is the audio file for the robocall. We should send it to black neighborhoods in Milwaukee, Detroit, Philadelphia, Charlotte, Richmond, Atlanta, and Cleveland.” Attached to this email was an audio file with the name “1599 Vote By Mail Robo Call.wav.”
25. On August 26, 2020, Wohl uploaded an audio file titled “1599VoteByMailRoboCall.wav” to the J.M. Burkman & Associates Message Communications account.
26. On August 26, 2020, Wohl uploaded the robocall audio recording to the JM Burkman Associates LLC Message Communications account.

27. That robocall contained the following message:

“Hi, this is Tamika Taylor from Project 1599, the civil rights organization founded by Jack Burman and Jacob Wohl. Mail-in voting sounds great, but did you know that if you vote by mail, your personal information will be part of a public database that will be used by police departments to track down old warrants and be used by credit card companies to collect outstanding debts? The CDC is even pushing to use records for mail-in voting to track people for mandatory vaccines. Don’t be finessed into giving your private information to the man, stay safe and beware of vote by mail.”

28. On August 26, 2020, Burkman and Wohl had no evidence or information supporting the claim that the act of voting by mail would cause a voter’s information to be part of a public database that would be used by police departments to track down old warrants.

29. On August 26, 2020, Burkman and Wohl had no evidence or information supporting the claim that the act of voting by mail would cause a voter’s information to be part of a public database that would be used by credit card companies to collect outstanding debts.

30. On August 26, 2020, Burkman and Wohl had no evidence or information supporting the claim that the CDC was pushing to use records for mail-in voting to track people for mandatory vaccines.

31. Burkman referred to the robocall as “the black robo” because its target audience was Black people.

32. Jacob Wohl and Burkman created the ACPI Prospectus produced in discovery as DEF004335–DEF004351.

Dated: New York, New York  
May 29, 2022

LETITA JAMES  
Attorney General of the State of New York

By: /s/ Rick Sawyer

Office of the Attorney General  
28 Liberty Street, 20<sup>th</sup> floor  
New York, New York 10005  
Tel. (212) 416-8252  
Richard.sawyer@ag.ny.gov

CONOR DUFFY, *Assistant Attorney General, Civil Rights*

COLLEEN K. FAHERTY, *Assistant Attorney General, Executive Division*

RICK SAWYER, *Special Counsel for Hate Crimes*